

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM J. WAGNER,

Plaintiff,

v.

Civil Action No. 15-CV-633

CHIARI & ILECKI, LLP,

Defendant.

Pursuant to the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) and Proposed Rule 16.2 of the Local Rules of Civil Procedure for the Western District of New York, and a conference with counsel having been held on December 16, 2015, is **ORDERED** that:

1. In accordance with Section 2.1A of the Plan for Alternative Dispute Resolution¹, this case has been referred to mediation.
2. Motions to opt out of ADR shall be filed no later than December 23, 2015.
3. Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished no later than January 6, 2016.
4. The parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than January 6, 2016.
5. All motions to join other parties and to amend the pleadings shall be filed no later than

¹ A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

January 20, 2016.

6. The initial mediation session shall be held no later than February 10, 2016.
7. All fact depositions shall be completed no later than May 10, 2016.
8. Plaintiff shall identify any expert witnesses through interrogatories and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than June 10, 2016. Defendant shall identify any expert witnesses through interrogatories and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than July 11, 2016. Plaintiff may submit rebuttal on any issues which defendant bear the burden of proof by July 25, 2016.
9. All expert depositions shall be completed no later than September 8, 2016.
10. All discovery in this case shall be completed no later than September 8, 2016.
11. All applications to resolve discovery disputes shall be filed no later than 30 days before the discovery completion date.
12. Dispositive motions, if any, shall be filed by all parties no later than October 24, 2016. Such motions shall be made returnable before Judge Curtin unless the referral order grants the Magistrate Judge authority to hear and report upon dispositive motions.
13. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until November 28, 2016. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.
14. In the event that no dispositive motions are filed, pretrial statements in strict compliance with Local Rule 16.1(d) shall be filed and served no later than _____.
15. A final pretrial conference pursuant to Fed.R.Civ.P. 16(d) and Local Rule 16.1(j) will be held on _____ at 9:00 a.m. before Judge _____.
16. Trial is set for _____ at 9:30 a.m.

SO ORDERED.

DATED: _____

Buffalo, New York

Hon. John T. Curtin